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June 15, 2000

Federal Communications Commission
Magalie Roman Salas, Office of the Secretary
Federal Communications Commission
445 12 St. SW
Room TW-A325
Washington, D.C. 20554

Re: Comments on proposal to apply GMDSS rules to the commercial fishing industry

Dear Commissioners:

This letter is written on behalf of the many companies and organizations that own or represent vessels in the Alaska fishing fleet. While not all of the boats represented by the undersigned are greater than 300 gross tons and therefore potentially subject to the Global Marine Distress and Safety System (GMDSS) regulations, we are concerned that the implementation of GMDSS digital selective calling requirements will severely and negatively impact all fishing vessels' ability to monitor and respond to calls of distress in the North Pacific. We are therefore pleased to offer comments in response to the Notice of Proposed Rule Making and Memorandum Opinion and Order released by the Commission on March 24, 2000. Please note that our comments are directed specifically at the Digital Selective Calling (DSC) aspect of the GMDSS regulations. We fully support all other elements of GMDSS implemented prior to February 1, 1999.

The Alaska fishing fleet favors the Commission's decision to grant a temporary waiver from GMDSS requirements to fishing vessels. In its November 20, 1998 Order as well as the more recent March 24, 2000 document, the FCC correctly states that due to the current lack of shore-based MF and HF DSC monitoring infrastructure, requiring fishing vessels to carry the GMDSS equipment at this time would impose an unnecessary financial burden and could jeopardize the integrity of emergency communications throughout the Alaskan fishing fleet. Both are important reasons to provide the waiver. Equally important is the fact that the waiver provides the opportunity to initiate a new rule making process addressing the fundamental question of whether fishing vessels should be required to comply with the Commission's GMDSS DSC rules at all.

Unfortunately, the fishing industry did not adequately involve itself in the first (1992) rule making process. As a result, many important issues related to the appropriateness of requiring GMDSS communications equipment on fishing vessels were not raised in comments at that time. In fact, most fishing vessel owners were unaware of the GMDSS requirements until just prior to the February 1, 1999 effective date. We believe that the fishing industry in general, and the Alaska fleet in particular, are unique members of the maritime community and are not appropriate platforms for the required GMDSS technology.

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We oppose application of the GMDSS requirements on commercial fishing vessels for the following reasons:

As stated in the SOLAS Convention, fishing vessels are specifically exempt from GMDSS requirements. Since the Communications Act does not recognize fishing boats as a class of vessel distinct from "cargo ships", the FCC has no regulatory mechanism by which to provide this exemption. We have, essentially, a "catch-22" whereby SOLAS exempts fishing vessels from GMDSS requirements, but the FCC cannot honor that exemption because according to the Act, there is no such thing as a fishing vessel!

We believe that the SOLAS exemption of fishing vessels reflects the fact that the fishing fleet and the cargo fleet have entirely different needs, abilities and characteristics. Failure to recognize these differences when regulating the fishing fleet is problematic and, as in the case of GMDSS, could result in the degradation of existing emergency communication systems in the Alaskan fishing fleet and an undue economic burden on the industry.

It is both dangerous and inefficient to require GMDSS capabilities of just a portion of the fishing fleet. At the present time, virtually all vessels fishing in Alaskan waters monitor VHF channel 16 (156.8 MHz) and 2182 kHz. This results in a web of ship-to-ship and ship-to-shore communications throughout the Aleutian Islands, Bering Sea, and Gulf of Alaska. Given the vastness of the Alaskan fishing grounds and the distance from Coast Guard assets and facilities, the first help on the scene of a marine casualty is quite often other fishing boats in the area. GMDSS has been designed primarily as a ship-to-shore system. The existing communications link between all Alaska fishing vessels would be broken by the application of GMDSS technology to a select portion of the fleet that, although still required to monitor channels 16 and 2182 kHz, may no longer monitor those channels with the same diligence. The fleet believes the potential cost to existing ship-to-ship communications far outweighs the benefit of a possible future improvement in ship-to-shore communications.

Available statistics suggest that the GMDSS system is fraught with problems, particularly false alerts and relays, which may undermine the effectiveness of the GMDSS system. A recently published report shows that false alerts and inappropriate relays continue to plague the system. We strongly object to imposing the GMDSS system at its present level of performance on the fishing fleet. As we've noted above, the Alaska fleet thinks that what we've got now works well. We shouldn't even consider altering or replacing that system until we've got something that we know will perform better, and GMDSS as we know it today clearly does not meet that standard.

Our opinions regarding the GMDSS requirements and the FCC's proposed action on this matter notwithstanding, we believe that it is premature to make a final decision at this time. As noted in the Order, Sea Area A1 installations are not expected to be completed and operational until 2006, which means that should the Commission ultimately decide not to grant fishing vessels a permanent waiver from GMDSS requirements, the rule would be applied sometime in 2007.

With approximately seven years from now until the time that the GMDSS requirements might be applied to fishing vessels, we feel that the fishing industry could better comment on the impact of such requirements and the Commission could make a more informed decision if the rule making process was delayed until some time closer to the date of implementation. A delay would benefit the rule making process in the following ways:

A delay would allow more time to evaluate the effectiveness of GMDSS on a national basis and the appropriateness of requiring the system on affected fishing vessels. As noted above, the GMDSS system in the U.S is plagued with false alerts and relays. According to statistics posted on the U.S. Coast Guard web site, less than 1% of the GMDSS alerts over the past four years have been actual distress notifications. The results do not speak well of GMDSS in general nor do they indicate much improvement over the period of the survey. If the Commission were forced to make a ruling today based on the present effectiveness of GMDSS, we are confident that fishing vessels would receive a permanent waiver from GMDSS requirements. In reality, the Commission need not make a hasty decision. Industry recommends that the FCC give GMDSS more time to demonstrate its strengths and weaknesses before deciding whether fishing vessels should be required to use it.

A delay would allow the Commission to consider and incorporate into its final decision the most recent technological developments in communications equipment. With the rapid pace of developments in communication technologies, it is quite possible that existing GMDSS technology could be obsolete or otherwise less desirable than some new, currently unexploited technology. Alternatively, existing technologies could be improved – GMDSS equipment might be smaller in size and/or more affordable. In any case, we believe the fishing fleet would be well-served by a ruling from the Commission based on the technology available closer to the time of implementation.

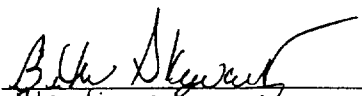
Along similar lines, a delay in a final decision would allow the Commission to consider more contemporary market prices for state-of-the-art GMDSS technology and weigh those costs against the operational benefits of GMDSS at a time closer to the application of the rule. As outlined in the March 24, 2000 ruling, a temporary waiver was justified on the grounds that the immediate cost of the GMDSS equipment outweighed the present benefits. Given the amount of time that is likely to pass before the A1 and A2 systems are operational, it would be extremely difficult for the Commission to predict the relationship of these costs and benefits five years into the future.

If the FCC must decide now whether to apply GMDSS regulations to the fishing fleet, then we believe the answer is clearly no! Plagued by false alerts, the system is far from successful in those sections of the U.S. where it's operational. The equipment is too big and too expensive for fishing vessels of modest size and income. Furthermore, implementing the program introduces the risk that existing emergency communication networks could be disrupted, resulting in a net reduction in safety on the Alaskan fishing grounds.

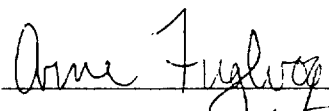
There is the possibility, however, that the technology and performance of GMDSS could improve over the next five to six years, and that the cost could come down significantly. Industry therefore supports the idea of delaying the rule making process on requiring fishing vessels to use GMDSS until a time much closer to the expiration of the present waiver. Such a delay would give GMDSS every benefit of the doubt and allow the Commission to withhold judgement on the appropriateness of requiring GMDSS on fishing vessels until a time when GMDSS may offer some true advantage to fishermen. If, on the other hand, GMDSS does not prove itself as a potential improvement over current communications within the fishing fleet, then the Commission will have avoided the risk and the financial waste associated with imposing an ineffective GMDSS.

Thank you in advance for considering our comments.

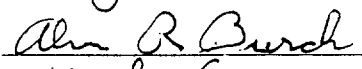
Sincerely,

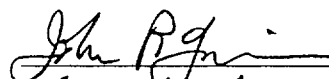

Aleutians East Borough

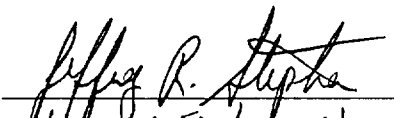

Alaska Crab Coalition


Petersburg Vessel Owners

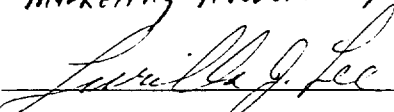

FISHING VESSEL OWNERS ASSN

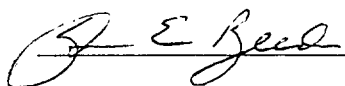

Alaska Dragger Assn

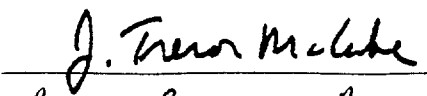

Groundfish Forum

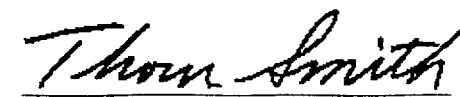

United Fishermen's
Marketing Association, Inc.


UNITED CATCHER BOATS


Trident Seafoods Corp.


P.S.F.A.


AT-SEA PROCESSORS ASSOCIATION


N.P.L.A.

cc: Senator Ted Stevens
Senator Frank Murkowski
Senator Slade Gorton
Senator Patty Murray

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